

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EDWARD LAPE,

Plaintiff,

v.

Case No: 8:20-cv-2996-KKM-SPF

CHRISTOPHER NOCCO et al.,

Defendants.

ORDER

Edward Lape, along with many other plaintiffs, joined a suit alleging Defendants were engaged in racketeering. See *Squitieri v. Nocco*, 8:19-cv-906. The Court severed that action, requiring Lape to pursue his claims separately from the other plaintiffs. As such, Lape initiated the instant action, bringing racketeering claims. (Doc. 19.) The Court dismissed his Amended Complaint with prejudice. (Doc. 27.) Defendants then moved for sanctions against Lape and Lape's attorneys under 28 U.S.C. § 1927 and this Court's inherent authority. (Doc. 29.) For the reasons stated in this Court's recent order in *Squitieri*, the Court grants-in-part Defendants' motion. 8:19-cv-906 (Doc. 226). The Court concluded that the conduct of Lape's counsel in filing his Amended Complaint, an egregious shotgun pleading, unreasonably and vexatiously multiplied the proceedings. As

such, Lape's attorneys are liable for the "excess costs, expenses, and attorneys' fees reasonably incurred" by Defendants in responding to Lape's Amended Complaint. § 1927. But the Court did not find any subjective bad faith from Lape or his counsel, and thus sanctions under this Court's inherent authority are not warranted.

Accordingly, the following is **ORDERED**:

1. Defendants' Motion on Entitlement to Attorneys' Fees is **GRANTED-IN-PART**. (Doc. 29.) Specifically, Lape's counsel, John McGuire and Luke Lirot, are jointly and severally liable for the attorney's fees Defendants reasonably incurred responding to Lape's Amended Complaint.
2. The Court **DIRECTS** Defendants under Local Rule 7.01(c) to file a Supplemental Motion on Amount within forty-five days of this Order.

ORDERED in Tampa, Florida, on April 18, 2022.


Kathryn Kimball Mizelle
United States District Judge